

REMARKS

In the Office Action, the Examiner restricted claims 1-11, 14-26, 28-34, 51-53, 56-63, 65, 67, 70, and 76-88 to one of the following groups. Specifically, the Examiner provided the following groups: (Group I) claims (1-15, 65) and (16-26, 67) and (31-33, 70, 77) and (34, 52-53, 56-63, 72-73) and (51, 78), drawn to a motor control unit selectable from a plurality of different types of motor control units; and (Group II) claims (83-88), drawn to a motor/machine mountable base designed to accommodate one type of modular control unit laterally next to it; with control features comprising a soft start controller, a variable frequency drive, etc.

After careful review of the Examiner's restriction requirement, Applicant elects to prosecute claims 1-11, 14-26, 28-34, 51-53, 56-63, 65, 67, 70, and 76-82 corresponding to Group I *with traverse*. More specifically, the Applicant objects to the Examiner's rejection on the ground of a lack of "serious burden" on the Examiner. As set forth in the Manual of Patent Examining Procedure, the criteria for a restriction requirement include: (1) the inventions must be independent or distinct, and (2) there would be a serious burden on the Examiner if restriction is not required. *See* M.P.E.P. (Rev. 5, August 2006) §§ 802.02 and 803. Specifically, the Applicant stresses that:

If the search and examination of ***>all the claims in an<* application can be made *without serious burden*, the examiner *must* examine **>them<* on the merits, even though ***>they* include *<*claims to independent or distinct inventions.

Id. at § 803. After careful review of the present application, Applicant stresses that examination of all pending claims would not be a burden, much less a "serious burden," on the Examiner. If the Examiner reviews the claims in more than a cursory manner, then the Applicant believes that the Examiner will agree that the pending claims can reasonably be examined without need for the foregoing restriction requirement.

In particular, Applicant stresses that the Examiner's reasoning for grouping claims 83-88 separate from claims 1-11, 14-26, 28-34, 51-53, 56-63, 65, 67, 70, and 76-82 appears to rely on

features recited by dependent claim 84, rather than independent claim 83. For example, dependent claim 84 recites “the modular mounting receptacle of the modular base is configured to receive the modular control unit laterally next to the machine protection device and the wiring panel such that the modular control unit, the machine protection device, and the wiring panel are accessible while the machine controller is assembled.” (Emphasis added). However, independent claim 83 does not recite this “laterally next to” language set forth in dependent claim 84. Thus, independent claim 83 is believed to be generic and, thus, should be grouped with claims 1-11, 14-26, 28-34, 51-53, 56-63, 65, 67, 70, and 76-82 of Group I. Applicant further stresses that the lateral configuration can be used with the claimed subject matter in both Groups I and II. Furthermore, Applicant emphasizes that “[p]iecemeal examination should be avoided as much as possible.” M.P.E.P. (Rev. 6, September 2007) § 707.07(g). For these reasons, among others, Applicant respectfully requests that the Examiner withdraw the restriction requirement and examine all pending claims.

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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